

JOE WARDY  
MAYOR



**CITY COUNCIL**

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
AUGUST 5, 2003  
9:00 A.M.

The City Council met in regular session at the above place and date at 9:08 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Absent: None. Late arrival: Paul J. Escobar. Meeting was called to order and the invocation was given by Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

**MAYOR'S PROCLAMATIONS**

**1. National Night Out**

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to discuss the matter concurrent with an Ordinance changing the zoning of all of Tracts 1F, 3B, 3B1A and 3C, and portions of Tracts 1J, 1J1 and 1K, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas (Artcraft Road and Westside Drive) from R-F (Ranch-Farm) to R-3A (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Rancho Real V, Ltd. / Representative: Conde, Inc.; 1790 Lee Treviño Drive Suite 400, El Paso, TX 79936. ZC-03017 **THIS IS AN APPEAL CASE**

See pages 27 through 29 for discussion.

No action was taken on the following item:

City employees must be held accountable. City employees were given a pay raise and yet the level of competence has not justified this in all matters. [G. A. "Jorge" Molinar]

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to discuss the matter concurrent with an Ordinance changing the zoning of all of Tracts 1F, 3B, 3B1A and 3C, and portions of Tracts 1J, 1J1 and 1K, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas (Artcraft Road and Westside Drive) from R-F (Ranch-Farm) to R-3A (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Rancho Real V, Ltd. / Representative: Conde, Inc.; 1790 Lee Treviño Drive Suite 400, El Paso, TX 79936. ZC-03017 **THIS IS AN APPEAL CASE**

See pages 27 through 29 for discussion.

No action was taken on the following item:

Upper Valley re-zoning. Master Plan needed. Approximately 500 acres of farm land (some outside of City) are likely to be designated for residential re-zoning. Several large parcels were re-zoned without residents being notified. R-3A is being approved by City Council in violation of the promise to keep this area R-1 when it was annexed. All this land must be looked at as a whole instead of each parcel. A Master Plan would give developers some idea what can be R-2 and what must be kept R-1. [G. A. "Jorge" Molinar]

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Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to discuss the matter concurrent with an Ordinance changing the zoning of all of Tracts 1F, 3B, 3B1A and 3C, and portions of Tracts 1J, 1J1 and 1K, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas (Artcraft Road and Westside Drive) from R-F (Ranch-Farm) to R-3A (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Rancho Real V, Ltd. / Representative: Conde, Inc.; 1790 Lee Treviño Drive Suite 400, El Paso, TX 79936. ZC-03017 **THIS IS AN APPEAL CASE**

See pages 27 through 29 for discussion.

No action was taken on the following item:

City Attorney's ruling to send re-zoning application back to Planning Commission. This was after 03-017 was rejected by Planning Commission. [G. A. "Jorge" Molinar]

.....  
No action was taken on the discussion and action on written procedures to be followed in order to disqualify city employees and representatives (including the Mayor) from participating in any matter in which they have conflicts of interest--especially with respect to Jobe Concrete Products, Inc. [Taylor Moore]

This item was discussed after Council Members reconvened the City Council meeting from Executive Session.

Mr. Taylor Moore, citizen, requested Mayor Wardy recuse himself and not preside over the matter as it would be direct attack on him. He provided a PowerPoint presentation regarding, El Paso Municipal Code Section 2.92.050 – Standards of Conduct, Section D, Officers or Employees of the City and revisited the appointment of Mr. Jim Martinez as Chief Administrative Officer of the City of El Paso.

Ms. Pat De La Garza, citizen, commented on freedom of speech and read a passage written by Alexander Hamilton into the record. She stated that it was important to review an individual's qualifications, as per the City Charter, before appointing them to positions within the City.

Mr. Rick Provencio, citizen, stated that if something were questionable, it wouldn't hurt to investigate.

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No action was taken on the following item: Expression of Gratitude to Mayor and Council.

Mayor Joe Wardy moved the item to the forefront to allow for a presentation for Judge Richard Porras.

Judge Angie Juarez Barill, Presiding Judge at the Municipal Court #2, expressed her gratitude to Judge Porras and stated it was a pleasure and honor to serve with him.

Judge Richard Porras expressed his gratitude to the City of El Paso and Council Members for allowing him to serve and touch so many individuals' lives. He stated that he would be seeking a higher office, filing application to be a candidate for the March primary for County Attorney, County of El Paso, and thanked Ms. Richarda Momsen, Municipal Clerk, for her professionalism.

Representative Cobos commented on Mr. Porras' professionalism and wished him well on his future endeavors.

Judge Porras stated that he was inspired to seek a higher office after swearing in this new administration and listening to their accomplishments.

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Motion made by Representative Cook, seconded by Representative Power and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss and take action on any of the following:

- Section 551.071       CONSULTATION WITH ATTORNEY
- Section 551.072       DELIBERATION REGARDING REAL PROPERTY
- Section 551.073       DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074       PERSONNEL MATTERS
- Section 551.076       DELIBERATION REGARDING SECURITY DEVICES

Discussion and action on John Taylor d/b/a Pepperdyne General Contractor vs. The City of El Paso, Cause no. 2002-4819, Our File No. 02-S-53 (551.071)

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....  
Motion made by Representative Cobos, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **John Taylor d/b/a Pepperdyne General Contractor vs. City of El Paso; Cause No. 2002-4819; Our File No. 02-S-53**, as recommended by the City Attorney.

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Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to suspend the Rules of Order regarding electronic voting for the remainder of the meeting.

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No action was taken on the following item:

I, Raul Garcia, would like to know why we were not told that we would not be allowed to enter the 6'2" and under league at the Acosta Center, 4321 Delta Drive. [Raul Garcia]

Mr. Raul Garcia, citizen, made remarks regarding his team and an attempt to play in the Parks and Recreation Department league. He stated that he had spoken with Mr. Ray Cox, Director of Parks and Recreation and Mr. John Nance, Assistant City Attorney, and was not satisfied as to how the matter had been handled. He commented that the Parks and Recreation had lost \$15,000.00 in checks returned due to insufficient funds.

Mr. Ray Cox, Director of Parks and Recreation, explained he was not aware of any rules requiring a team to pay with a money order; however, a sponsor of the team could submit a check made payable to the "City of El Paso". He stated that he was not aware of a rule requiring teams to pay in cash or money order only. He stated that a deadline had been set for the teams to turn their documents into the Parks and Recreation Department to insure that the roster/schedule be determined properly.

.....  
No action was taken on the presentation on "Homes for Heroes", a new law passed by the State of Texas and signed into law by Governor Rick Perry. [Ray Adauro]

Mr. Ray Adaauto, El Paso Association of Builders and Texas Association of Builders, discussed HB1247, establishing the Firefighter and Police Officer Home Loan Program, signed into law by Governor Rick Perry. He explained that the law allowed first time homebuyer firefighters and police officers the opportunity to purchase new a home, between \$130,000 and \$150,000, at a substantially reduced interest rate, dependent upon salary and qualifications. He stated that the program would become effective January 2, 2004.

Commander Cliff Walsh, El Paso Police Department, thanked the Builders Associations and Mr. Ray Adaauto and stated that through the purchase of a home, the officers contribute greatly to the City's economy.

Assistant Fire Chief Michael Widtfeldt thanked Governor Rick Perry for signing the Bill into law and stated that firefighters would take advantage and greatly benefit from the program. He thanked Mr. Adaauto and the Builders Association for their support.

Mayor Joe Wardy acknowledged former Council Member C.S. "Dusty" Rhodes' presence in the audience.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to recess City Council meeting at 10:00 a.m. for the Mass Transit Department Board Meeting.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to reconvene the City Council meeting at 10:03 a.m.

Motion made by Representative Cobos, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

\*Motion made, seconded and unanimously carried to approve the minutes for Regular City Council Meetings of September 10, 2002 and July 29, 2003; Special Council Meetings of June 19 and July 21, 2003; and Legislative Review Committee of the Whole Meeting of July 21, 2003.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the 17<sup>th</sup> Revision to the City of El Paso Arts and Culture Department's Direct Funding Guidelines, adopted the 18<sup>th</sup> day of June, 2002, be amended as recommended by the Arts and Culture Advisory Board and Staff.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract on behalf of the Arts and Culture Department to present the following group at the FY03 Music Under the Stars World Festival, to be held at the Chamizal National Memorial, as recommended by the Arts & Culture Department staff.

1. Gary Gonzales for Gary & The Jive Junkies; one performance on Sunday, August 10, 2003; cost of \$1,000.00.

\*Motion made, seconded and unanimously carried to postpone two (2) weeks a Resolution placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

8232 McElroy Avenue	\$6,869.94	Maria Baxley, Executrix of the Estate of Angelica Reyes
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**\*RESOLUTION**

**WHEREAS**, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolutions dated the 10<sup>th</sup> day of February, 2002, and the 17<sup>th</sup> day of December 2002, after due notice and hearing, ordered CARLOS ESCOBEDO, record Owner of the hereinafter described property that the Building be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

S 75 Ft. of Lots 1 to 3 & 75 Ft. of W 15 Ft. of Lot 4, Block 32 Franklin Heights Subdivision, an Addition to the City of El Paso, El Paso County, Texas, more particularly described as 148-150 N. Brown Street, El Paso, Texas,

to be \$560.04, performed by the Street Department of the City of El Paso, \$1,027.10 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$1,587.14. The City Council finds that the work was completed on the 28th day of April, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of ONE THOUSAND FIVE HUNDRED EIGHTY-SEVEN AND 14/XX DOLLARS (\$1,587.14) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**\*RESOLUTION**

**WHEREAS**, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 29th day of April, 2003, after due notice and hearing, ordered SOLEDAD GARCIA, c/o GABRIEL NAVEJAS, record Owner of the hereinafter described property that the Building be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Building and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of demolishing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 48 Block B, Bassett Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 5, Page 22, Plat Records of El Paso County, Texas, more particularly described as 2125 Central Avenue, El Paso, Texas,

to be \$4,945.89, performed by the Street Department of the City of El Paso, \$1,424.00 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$6,369.89. The City Council finds that the work was completed on the 5th day of June, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of SIX THOUSAND THREE HUNDRED SIXTY-NINE AND 89/XX DOLLARS (\$6,369.89) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**RESOLUTION**

**WHEREAS**, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 15th day of April, 2003, after due notice and hearing, ordered EVA SELMA PICKENS a/k/a EVA S. KELLY, record Owner of the hereinafter described property that the Building be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

The West ½ of Lot 29 and all of Lot 30, Block 67, Third Amended Map of Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, more particularly described as 2506 Copper Avenue, El Paso, Texas,

to be \$1,074.52, performed by the Street Department of the City of El Paso, \$1,574.30 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$2,648.82. The City Council finds that the work was completed on the 5th day of June, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWO THOUSAND SIX HUNDRED FORTY-EIGHT AND 82/XX DOLLARS (\$2,648.82) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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\*Motion made, seconded and unanimously carried to postpone one (1) week a Resolution that the Mayor be authorized to sign a letter providing Notice of Termination of the Contract by and between the City of El Paso and Carl A. Parker and Froy Salinas for State legislative lobbying services.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Appraisal Services Agreement by and between the City of El Paso and Ralph Sellers & Associates in an amount not to exceed \$500.00 for the appraisal of the following described City property to determine the appraised value:

*A 2 foot by 26 foot portion of Lot 15, Block 4, Mountain Homes, City of El Paso, El Paso County, Texas.*

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a letter committing \$386,783 in 2003-2004 HOME Grant funds to be used as the local match required for a Veterans Administration Per Diem Construction Grant application in the amount of \$718,310 which the Opportunity Center for the Homeless is submitting to the Department of Veteran Affairs (VA). The commitment of the \$386,783 will be conditional upon the VA's award of the Per Diem Construction Grant to the Opportunity Center. The Opportunity Center proposes to utilize a total of \$1,105,093 to construct a 20-room Veterans Transitional Living Center.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Amendment to the 1999 Empowerment Zone Planning and Implementation Grant No. EZ-99-TX-0013 with the U.S. Department of Housing and Urban Development (HUD) to allocate an additional \$1,987,000 of HUD funds to the City of El Paso's Empowerment Zone (EZ) Program. Funds are to be used for economic development related activities consistent with the Strategic Plan approved for the City's EZ Program.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Amendment to the Grant Agreement of September 1, 2002 between the Opportunity Center for the Homeless and the City of El Paso, to increase the services to be provided, and to increase the funding amount from \$55,200 to \$94,796 for the purpose of administering the "Homeless Coalition Building Project II", a planning activity under the 28<sup>th</sup> Year (2002-2003) Community Development Program. The Grant Agreement termination date will be extended from August 31, 2003 to May 31, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute and file Grant Applications to the Corporation for National Service for the Foster Grandparent Program in the amount of \$3,211, and for the Retired and Senior Volunteer Program in the amount of \$27,972, for the period of September 1, 2003 to August 31, 2004; and

That Deborah G. Hamlyn, Director, Community and Human Development, be authorized to furnish additional information as the Corporation for National Service may require in connection with the applications or the Programs and that Community and Human Development staff be authorized to submit the applications electronically; and

That the Mayor be authorized to execute any Grant Agreements for the above amounts, or for a greater or lesser amounts, and any amendments to the initial Grant Agreements which increases, decreases or deobligates Program funds, provided that no additional City funds are required, upon approval by the Corporation for National Service.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Fifteen Thousand Four Hundred Seventeen And 11/100ths Dollars (\$15,417.11 - \$6830 loan/\$7620 grant/\$967.11 grant) against the following described real property:

Lots 25 and 26, Block 30, Morningside Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, also known and numbered as 3412 Van Buren, El Paso, Texas 79930.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Eleven Thousand Two Hundred Fifty And No/100ths Dollars (\$11,250.00 - \$4000 loan/\$7250 grant) against the following described real property:

Tract 288, Loma Terrace No. 5 Section One, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 12, Page 49, Plat Records of El Paso County, Texas; also known and numbered as 8104 Wonderland, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Twenty Two And 94/100ths Dollars (\$22.94).



**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Thirteen Thousand Six Hundred Fifty And No/100ths Dollars (\$13,650.00 - \$6525 loan/\$7125 grant) against the following described real property:

Tract 9C, Block 45, Ysleta Grant, El Paso County, Texas, known and numbered as 136 Old Pueblo, Save And Except 23.98 square feet of said Tract 9C, more particularly described as follows: The "Point of Beginning" being the Southwest corner of said Tract 9C; Thence, North 07 Degrees 03' 00" West, a distance of 12.60 feet; Thence, 14.16 feet along the arc of a curve to the Left, whose interior angle is 54 Degrees 04' 30", whose radius is 15.00 feet, whose chord bears South 34 Degrees 05' 15" East a distance of 13.64 feet; Thence, South 78 Degrees 46' 06" West a distance of 6.22 feet for the "Point of Beginning" and containing in all 23.98 square feet or .001 acres of land, more or less.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of One Hundred Forty-Two Thousand Eight Hundred Fifty-Seven And No/100ths Dollars (\$142,857.00 Secured Grant Note) against the following described real property:

The South 102 feet of Lot 35, and the West 50 feet of Lot 36, Sunrise Acres – No. 2, an Addition to the City of El Paso, according to the plat thereof on file in Volume 2, Page 7, Real Property Records, El Paso County, Texas, also known and numbered as 4824 Hercules Avenue, El Paso, Texas 79904.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Twenty Thousand Nine Hundred Ninety And No/100ths Dollars (\$20,990.00 - \$7795 loan/\$13,195 grant) against the following described real property:

Lot 9, Block 27, Cedar Grove Park Subdivision Unit Two, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 3, Page 64, Plat Records of El Paso County, Texas; also known and numbered as 222 Cherry Road, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Overhead Electrical Easement to the El Paso Electric Company in a portion of Tract 2L1A, A.F. Miller Survey 212, El Paso County, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of Tract 1A, Block 11, Upper Valley Survey, El Paso County, Texas to provide service to the Valley Creek Park.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign, on behalf of the El Paso Public Library, an Agreement for Internet Access Service with USAonline, Inc., d.b.a. Whitehorse Communications, et al. (USAonline). Such Agreement shall enable the Library's Bookmobile to have access to the Internet. The Agreement shall be for a term of three years for a monthly fee of \$150.00 and a one-time installation fee of \$1,500.00. Funding for the Agreement shall be from the Texas State Library's Loan Star Libraries Grant program.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CRISTINA GRIJALVA-GARCIA**, to assist the Museum of Art as a Special Events Coordinator, at a biweekly rate of \$1,136.13, for 40 hours per week. The term of the contract shall be for the period of August 7, 2003 through February 6, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Professional Services Contract between the City of El Paso and Regnier Consulting Group, Inc. to provide evaluation and an update on the report on loss and allocated loss expense reserves of workers' compensation losses occurring during the fiscal years 1983/84 to 2002/2003. The total cost for such services, shall not exceed the amount of \$6,150.00.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ALEJANDRO VARGAS, JR.**, to assist the Parks and Recreation Department as a Senior Lifeguard, Step 2, effective from September 1, 2003 through August 31, 2004, at an hourly rate of \$6.80 for 40 hours per week.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Personal services Contract between the CITY OF EL PASO and GERARDO VELAZQUEZ as a Project Review Coordinator for the Parks and Recreation Department at the rate of \$21.25 per hour, not to exceed 40 hours per week plus mileage reimbursement at the rate of .35 per mile. The term of the contract shall be for the period of September 21, 2003 through September 19, 2004.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following personal services contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2003-2004 appropriations to be approved by the City Council and the City's Civil Service Commission.

**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1.     CONTRACTOR:     Janet J. Benge, Indoor Pool Manager  
       DATES:           September 1, 2003, through August 31, 2004  
       RATE PER HR:   \$8.25  
       CONTRACT NO:   2002/2003-002
  
2.     CONTRACTOR:     Gabriel E. Chavez, Indoor Pool Manager  
       DATES:           September 1, 2003, through August 31, 2004  
       RATE PER HR:   \$8.25  
       CONTRACT NO:   2002/2003-003
  
3.     CONTRACTOR:     Charlotte Y. Jordan, Indoor Pool Manager  
       DATES:           September 1, 2003, through August 31, 2004  
       RATE PER HR:   \$8.00  
       CONTRACT NO:   2002/2003-004
  
4.     CONTRACTOR:     Jennifer K. Sanchez-Ruiz, Indoor Pool Manager  
       DATES:           September 1, 2003, through August 31, 2004  
       RATE PER HR:   \$7.75  
       CONTRACT NO:   2002/2003-005
  
5.     CONTRACTOR:     Amy L. Wheeler, Indoor Pool Manager  
       DATES:           September 1, 2003, through August 31, 2004  
       RATE PER HR:   \$7.75  
       CONTRACT NO:   2002/2003-006
  
6.     CONTRACTOR:     Jimmy J. Zambrano, Indoor Pool Manager  
       DATES:           September 1, 2003, through August 31, 2004  
       RATE PER HR:   \$8.00  
       CONTRACT NO:   2002/2003-007

**GALATZAN RECREATION CENTER**

**DEPARTMENT ID: 51510131, ACCOUNT 501011**

7. CONTRACTOR: Claudia Garcia, Daycare Instructor, Step 5  
DATES: September 1, 2003, through August 31, 2004  
RATE PER HR: \$7.45  
CONTRACT NO: 2002/2003-008
8. CONTRACTOR: Virginia Martinez Mata, Daycare Instructor, Step 6  
DATES: September 1, 2003, through August 31, 2004  
RATE PER HR: \$7.70  
CONTRACT NO: 2002/2003-009
9. CONTRACTOR: Juanita Ramirez, Daycare Instructor, Step 6  
DATES: September 1, 2003, through August 31, 2004  
RATE PER HR: \$7.70  
CONTRACT NO: 2002/2003-010
10. CONTRACTOR: Carolyn J. Tromer, Daycare Director, Step 6  
DATES: September 1, 2003, through August 31, 2004  
RATE PER HR: \$9.25  
CONTRACT NO: 2002/2003-011

**NORTHEAST RECREATION CENTER**

**DEPARTMENT ID: 51510107, ACCOUNT 501011**

11. CONTRACTOR: Olga G. Armendariz, Daycare Director, Step 6  
DATES: September 1, 2003, through August 31, 2004  
RATE PER HR: \$9.25  
CONTRACT NO: 2002/2003-012
12. CONTRACTOR: Terri Herring, Assistant Daycare Coordinator, Step 5  
DATES: September 1, 2003, through August 31, 2004  
RATE PER HR: \$8.00  
CONTRACT NO: 2002/2003-013
13. CONTRACTOR: Priscilla Olson, Assistant Daycare Coordinator, Step 6  
DATES: September 1, 2003, through August 31, 2004  
RATE PER HR: \$8.25  
CONTRACT NO: 2002/2003-014
14. CONTRACTOR: Delila Sattizahn, Daycare Director, Step 6  
DATES: September 1, 2003, through August 31, 2004  
RATE PER HR: \$9.25  
CONTRACT NO: 2002/2003-015

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following personal services contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2003-2004 appropriations to be approved by the City Council and the City's Civil Service Commission.

**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1. CONTRACTOR: Carlos A. Rodriguez, Indoor Pool Manager  
DATES: September 1, 2003, through August 31, 2004  
RATE PER HR: \$7.20  
CONTRACT NO: 2002/2003-016

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following personal services contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2003-2004 appropriations to be approved by the City Council and the City's Civil Service Commission.

**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1. CONTRACTOR: Angelica Terrazas, Lifeguard, Step 3  
DATES: September 1, 2003, through August 31, 2004  
RATE PER HR: \$6.20  
CONTRACT NO: 2003/2004-018
2. CONTRACTOR: Joel R. Hill, Senior Lifeguard, Step 4  
DATES: September 1, 2003, through August 31, 2004  
RATE PER HR: \$7.20  
CONTRACT NO: 2003/2004-019

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **BRENT PEARSON**, to assist the Street Department as an Arborist, at a biweekly rate of \$1,417.70, for 40 hours per week. The term of the contract shall be for the period of August 11, 2003 through August 10, 2004.

.....  
Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor on behalf of the City, be authorized to accept a donation of Sixty-Five Thousand, Five Hundred Dollars and No Cents (\$65,500.00) from the following entities:

Bravo Cadillac, Dick Poe Chrysler/Toyota, Mack Massey Motors, Casa Ford, Casa Nissan, MIMCO, INC., Crawford Auto Plaza, Midway Chevrolet, River Oaks Properties, Village Inn, Applebees, Jack in the Box, Radisson Suite Inn, Dick Poe Honda, and Heritage Lincoln-Mercury, which funding is to be used for the Montana Motor Mile Median Improvement project.

Representative Lozano publicly thanked those sponsors listed on the City Council Agenda and challenged other major City arterial businesses located on Alameda, Hawkins, McRae, etc., to follow the example.

Representative Cook noted that TxDOT had provided funds to communities, certain corridors, for median improvements. He noted that the businesses located on the "Montana Motor Mile" provided 25% of the funding, City provided 25% and State of Texas, through TxDOT, provided 50%.

Mr. Daryl Cole, Street Director, concurred with Representative Cook's comments and noted that the businesses listed on the Agenda would provide an additional \$15,000.00 for continued median upkeep. He thanked those businesses for their generous donation.

Representatives Austin, Cobos, Rojas and Cushing provided comments and asked questions of Mr. Cole.

Mr. Cole responded to Council Members questions and concerns.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

.....  
\*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Ridge View Estates Unit Nineteen Replat "A"  
Owner/Developer: LARKIN Developers I, LTD.  
Consultant: Moreno Cardenas Inc.

Street Improvements:

Cimarron Ridge Drive - from the north property line of Dakota Ridge Drive to the southeast subdivision boundary line

Cherokee Ridge Drive - from the northwest subdivision boundary line to the southeast subdivision boundary line

Boulder Ridge Court - from the east property line of Cimarron Ridge Drive to the southwest subdivision boundary line

Casper Ridge Drive - from the east property line of Cimarron Ridge Drive to the southwest subdivision boundary line

Drainage Improvements:

Surface Drainage

.....  
\*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Ridge View Estates Unit Nineteen  
Owner/Developer: LARKIN Developers I, LTD.  
Consultant: Moreno Cardenas Inc.

Street Improvements:

Dakota Ridge Drive - from the southwest subdivision boundary line to the west property line of Cherokee Ridge Drive; and from the east property line of Cherokee Ridge Drive to the southeast subdivision boundary line

Cloud Ridge Drive - from the southeast subdivision boundary line to the south property line of Capitan Ridge Drive

Capitan Ridge Drive - from the northeast subdivision boundary line to the north property line of Dakota Ridge Drive

Heritage Ridge Drive - from the northeast subdivision boundary line to the end of cul-de-sac

Legacy Ridge Way - from the southwest subdivision boundary line to the end of cul-de-sac

Pearl Ridge Way - from the southwest subdivision boundary line to the end of T-hammer cul-de-sac

Casper Ridge Drive - from the southwest subdivision boundary line of Ridge View Estates Unit Nineteen Replat "A" to the west property line of Cherokee Ridge Drive, and from the east property line of Cherokee Ridge Drive to the southeast subdivision boundary line

Boulder Ridge Court - from the southwest subdivision boundary line of Ridge View Estates Unit Nineteen Replat "A" to the west property line of Cherokee Ridge Drive

Cherokee Ridge Drive - from the northwest subdivision boundary line of Ridge View Estates Unit Nineteen Replat "A" to the northeast subdivision boundary line

Drainage Improvements:

Located at Dakota Ridge Drive; 1-3 Grate Drop Inlet Type I; 1591.60 ft. of 36" R.C.P.; and 4 – Junction Box/72" Manhole

.....  
\*Motion made, seconded and unanimously carried to approve the request for the following name(s) to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Duarte, Joseph, Police Officer
- B. Vicario, Adriana, Library Information Specialist I

.....  
\*Motion made, seconded and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Accounting Tech (1)

.....  
\*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Coach Mechanic I (1)

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for City Attorney for the purposes established under Section 6.2-2A of the City Charter, a Deputy City Attorney shall be deemed to be an Assistant City Attorney.

Add	2.00	Deputy City Attorney	Appointed
Delete	1.00	First Assistant City Attorney	Appointed

Ms. Elaine Hengen, Assistant City Attorney, read revision regarding Staffing Table necessity into the record.

.....  
\*Motion made, seconded and unanimously carried to re-appoint Mario Saenz to the Community Center Screening Committee by Representative Daniel S. Power.

\*Motion made, seconded and unanimously carried to appoint John W. Neal to the City Plan Commission by Representative Susan F. Austin.

.....  
\*Motion made, seconded and unanimously carried to appoint Olivia Schonberger to the City Accessibility Advisory Committee by Representative Susan F. Austin.

.....  
\*Motion made, seconded and unanimously carried to appoint Rose M. Muñoz to the Civil Service Commission by Representative Paul J. Escobar.

.....  
\*Motion made, seconded and unanimously carried to appoint Chita Guevara to the Community Development Steering Committee by Representative Paul J. Escobar.

.....  
\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A.** PID #D047-999-0120-0900, \$523.23 per month installments on a balance of \$6,278.76 for 1999, 2000 & 2001 taxes; Francisco Navarro – 9808 Goby.
- B.** PID #E073-999-000B-4300, \$357.05 per month installments on a balance of \$4,284.60 for 2001 taxes; Leonel Jr. & Linda A. Baray – 9731 Eastridge Dr.
- C.** PID #H413-999-0070-1300, \$238.76 per month installments on a balance of \$2,865.12 for 2001 & 2002 taxes; Andres & Angela Robles – 7132 Tangerine Ln.
- D.** PID #V662-999-000B-0700, \$273.91 per month installments on a balance of \$3,286.92 for 2000 & 2001 taxes; Hilda Melendez Flores – 6700 Escondido #B4.
- E.** PID #1999-999-0208-0042, \$657.97 per month installments on a balance of \$7,237.67 for 2000, 2001 & 2002 taxes; Artistic Beauty Supply % Carl Hall – 1360 Lee Trevino.
- F.** PID #L217-999-002C-0900, \$379.10 per month installments on a balance of \$6,823.80 for 2000, 2001 & 2002 taxes; Manuel R. & Concepcion Berumen – 941 Saint Catherine.
- G.** PID #F607-999-0030-2900, \$422.34 per month installments on a balance of \$2,534.04 for 2001 taxes; Steven G. & Joann F. Mecham – 1001 – 1007 Texas.
- H.** PID #G990-000-0010-0018, \$277.94 per month installments on a balance of \$6,670.56 for 1999, 2000 2001 & 2002 taxes; Lauro R. & Dora R. Feliz – 643 Gurdev.
- I.** PID #S533-000-0010-02D0, \$367.19 per month installments on a balance of \$5,507.85 for 2002 taxes; Leticia Garza – 11909 Coker.

.....  
\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A.** Wells Fargo Real Estate Tax Services, LLC in the amount of \$909.41, overpayment of 2002 taxes. (PID #A462-999-0590-4300)
- B.** Wells Fargo Real Estate Tax Services, LLC in the amount of \$2,485.12, overpayment of 2002 taxes. (PID #A700-999-0140-2500)
- C.** Rosa Almodovar in the amount of \$1,241.94, overpayment of 2002 taxes. (PID #C166-999-0010-5000)
- D.** Lorine Villa in the amount of \$500.00 overpayment of 2002 taxes. (PID #E073-999-000B-1500)
- E.** Wells Fargo Home Mortgage in the amount of \$1,132.41, overpayment of 2002 taxes. (PID #E299-999-0010-3100)
- F.** Cumming Property Tax Service in the amount of \$1,495.28 overpayment of 2002 taxes. (PID #E369-003-0160-0110)
- G.** Cumming Property Tax Service in the amount of \$1,631.75, overpayment of 2002 taxes. (PID #E369-003-0180-0230)
- H.** Eduardo & J. E. Gutierrez in the amount of \$727.52, overpayment of 2002 taxes. (PID #E736-999-0010-5100)



- I.** Wells Fargo Real Estate Tax Services, LLC in the amount of \$2,965.45, overpayment of 2002 taxes. (PID #H788-011-0120-1200)
- J.** Wells Fargo Real Estate Tax Services, LLC in the amount of \$1,335.54, overpayment of 2002 taxes. (PID #J272-999-0030-2400)
- K.** Wells Fargo Real Estate Tax Services, LLC, in the amount of \$1,217.84, overpayment of 2002 taxes. (PID #L547-999-001C-4500)
- L.** Wells Fargo Home Mortgage in the amount of \$4,186.12, overpayment of 2002 taxes. (PID #R246-999-0030-0500)
- M.** Wells Fargo Real Estate Tax Services, LLC, in the amount of \$1,739.25, overpayment of 2002 taxes. (PID #S237-999-0270-7900)
- N.** Martin & Reynalda Barajas, in the amount of \$1,735.87, overpayment of 2002 taxes. (PID #S363-999-0070-2900)
- O.** First American Tax Services, in the amount of \$1,275.02, overpayment of 2002 taxes. (PID #T240-999-000H-9300)
- P.** Leretta Corp., in the amount of \$1,942.96, overpayment of 2001 taxes. (PID #V893-999-5610-1300)

.....  
 \*Motion made, seconded and unanimously carried to authorize the Director of purchasing to issue a Purchase Order to EMSysystem in the amount of \$39,684.88. EMSysystem is the sole provider of a web based Ambulance/Hospital Diversion & Event Management application.

Additionally, it is requested that Mayor be authorized to sign any additional documents, contracts, and/or agreements. (Contract Number 2003-218)

Department: Health Environmental District  
 Funds available: 41150023-06071-508010 Project G410325  
 Funding source: Miscellaneous Health Grants – Public Health Prep FY03  
 Data Processing Equipment  
 Total amount: \$39,684.88

.....  
 \*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to issue a Purchase Order to Qualicon, Inc. in the amount of \$37,350.00. Qualicon, Inc. is the sole source provider of the BAX System, which is the only automated PCR-based tool available for detection of certain agents in public health food testing.

The Texas Department of Health has provided funding through the FY04 Bioterrorism grant contract and requires that each Laboratory Response Network (LRN) purchase a BAX PCR System for public health food testing. All laboratories that are part of the LRN system must use the same equipment and protocols. It is essential that the equipment purchased by the El Paso City-County Health District be the specific equipment outlined in the contract. (Contract Number 2003-221)

Department: Health District  
 Funds available: 50812-06068-41150015-G410322  
 Funding Source: Texas Department of Health Bioterrorism Grant – Lab FY03  
 Amount: \$37,350.00

Purchase of a microbiological detector.  
 .....

\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-842 AIRPORT

Transfer of funds to cover costs associated with moving four (4) fire hydrants in the Butterfield Trail Industrial Park.

Increase	\$30,000	to	62620013/40101/502215	Outside Cont NOC
Increase	\$30,000	to	62620013/40101/407001	Intrafund Transfer In
Increase	\$30,000	to	62620018/P50000241021/407002	Estimated Revenue
Increase	\$30,000	to	62620018/P50000241021/507001	IntrafundTransfer Out

.....  
Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Ordinance No. 15365 and No. 15403 which called for a Special Election and set the date for the submission of Charter Amendments to be held within the City, making provisions for the conduct of the election and other provisions incident and related to the purpose of that Ordinance, by amending the date of Election to February 7, 2004.
- B. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **AUTOMOTIVE SERVICE WORKER I**.
- C. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **AUTOMOTIVE SERVICE WORKER II**.
- D. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **AUTOMOTIVE TECHNICIAN I**.
- E. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **AUTOMOTIVE TECHNICIAN II**.
- F. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **COACH MECHANIC I**.
- G. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **COACH MECHANIC II**.
- H. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the Class of **WATER PRODUCTION ASSISTANT SUPERINTENDENT**.
- I. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **ECONOMIC DEVELOPMENT ASSISTANT DIRECTOR**.
- J. An Ordinance vacating a portion of El Paso Street adjacent to Blocks 7H and 8H, Satterwaite Addition and Blocks 19 and 20, Mills Addition, City of El Paso, El Paso County, Texas.
- K. An Ordinance vacating a ten-foot (10') utility easement located within a portion of Lots 92 and 93, Block 78, Pebble Hills Unit 16, City of El Paso, El Paso County, Texas. (South of Montana Ave. and East of Lee Trevino Blvd.)

- L. An Ordinance granting a Special Privilege to MOF Incorporated, to permit the temporary use and closure of a portion of public right-of-way along the southbound, west side lane of the Stanton International Bridge for the purpose of filming a motion picture on August 25, 2003, August 26, 2003, September 10, 2003 and September 11, 2003. (SP-03014, Fee: \$300.00)

**PUBLIC HEARING WILL BE HELD ON AUGUST 19, 2003 FOR ITEMS A – L**

- M. An Ordinance changing the zoning of a 14.5035 acre parcel of land being Ridge View Estates Unit 21 as recorded in Volume 77, Page 98, Plat Records of El Paso County, Texas (Laramie Ridge Lane) from R-3 (Residential) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00003. Applicant: Larkin Developers I, Ltd. / Representative: Moreno Cardenas, Inc., 2505 E. Missouri, El Paso, TX 79903
- N. An Ordinance changing the zoning of 8.7036 acre parcel of land being Ridge View Estates Unit 20 as recorded in Volume 77, Page 99, Plat Records of El Paso County, Texas (Capitan Ridge Drive) from R-3 (Residential) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00004. Applicant: Larkin Developers I, Ltd. / Representative: Moreno Cardenas, Inc., 2505 E. Missouri, El Paso, TX 79903
- O. An Ordinance changing the zoning of a portion of Tract 4, Block 6, Christy Tract, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3A (Residential). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant / Representative: Carlos Carrillo, 8040 Lowd Avenue, El Paso, TX 79907. ZON03-00001
- P. An Ordinance changing the zoning of Parcel 1: A portion of Lot 8, Block 5, Hueco View Acres, El Paso, El Paso County, Texas from A-O/sc (Apartment-Office/special contract) to C-1/sc (Commercial/special contract) and imposing certain conditions, Parcel 2: A portion of Lot 8, Block 5, Hueco View Acres, El Paso, El Paso County, Texas from A-O/sc (Apartment-Office/special contract) to C-1/sc (Commercial/special contract) and imposing certain conditions, and Parcel 3: A portion of Lot 8, Block 5, Hueco View Acres, El Paso, El Paso County, Texas from A-O/sc (Apartment-Office/special contract) to R-5/sc (Residential/special contract). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Omega Realty Corporation / Representative: Dorado Engineering, Inc., 2310 Montana Avenue, El Paso, TX 79903. ZC-03029

**PUBLIC HEARING WILL BE HELD ON AUGUST 26, 2003 FOR ITEMS M – P**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
Motion made by Representative Lozano, seconded by Representative Cushing and carried to delete the discussion and action regarding an Ordinance that would control distracted driving to include distractions related to cellular phone use while operating a motor vehicle.

AYES: Representatives Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos

NAYS: Representative Cook

Representative Cook noted that there exists a need for a "Hands Free" Ordinance in El Paso and questioned whether there was sufficient Council Member support for it.

Representative Cushing requested Council Members delay the matter pending the outcome of the Fort Bliss Ordinance, currently deferred, at the State level.

Representative Lozano moved to table the matter.

Representative Cobos questioned what State law language provided.

Ms. Elaine Hengen, Assistant City Attorney, explained that there currently existed no such State law regulating cell phone use by drivers; however, provisions in the City Code provided for reckless driver.

Representative Austin questioned whether City Code provided for "Hands Free" and "No Hands Free" law(s).

Representative Cook explained language within the recently passed New York City Ordinance referencing "Hands Free" driving and stated that he would desire to pursue similar language for El Paso.

Commander Cliff Walsh, El Paso Police Department, defined "reckless driving" and provisions therein and stated that currently there were no local laws addressing driver attentiveness. He stated that the Police Department did not document accidents involving use of cell phones.

Representative Cobos stated that changing the radio station, eating food and applying makeup while driving were additional driver distractions and added that additional rules would require additional financing.

.....  
No action was taken on the discussion and action regarding proposed gasification project at City landfill and report thereon.

Mr. Jim Martinez, Chief Administrative Officer, stated Council Members had requested a report regarding gasification at City landfills. He noted that an individual, contracted through the Environmental Protection Agency, had provided a lengthy report and read into the record the individual's conclusion. He noted that the recommendation was not to move forward with the gasification project at this time, as there was insufficient data. He added that the report recommended securing additional equipment that would permit measurement and monitoring of deposits in the landfill.

Representative Cook questioned whether resources had been allocated to purchase scales at the City landfills.

Ms. Emma Acosta, Director of Solid Waste Management, explained that she had attempted, on two occasions through Budget Hearings, to purchase landfill scales; however, the Engineering Department had not provided her with the status report regarding the construction for those landfill scales. She stated that the Solid Waste Department had not secured the grant from the Council of Governments.

Mr. Gonzalo Cedillos, City Engineer, stated he would investigate the status of the construction project and would provide a report to Council Members.

.....  
Motion made by Representative Cook, seconded by Representative Power and unanimously carried to terminate Contract Number 97-0152 with Stockton Equipment & Supplies for convenience pursuant to Clause No. 18A of the Contract, an item titled Termination for Convenience, whereby the City reserved the right to terminate the Contract for convenience.

The user department was notified and a new sole source agreement issued.

Department: Fleet Services

Mr. Byron Johnson, Director of Purchasing, explained that the Contract was a Sole Source Agreement through the manufacturer and that the manufacturer would no longer run through the distributor network; therefore, the City would order from the manufacturer directly.

Representative Austin questioned the need for an assignment for the contract.

Mr. Johnson explained why there was no need for an assignment.

Ms. Lisa A. Elizondo, City Attorney, questioned whether the City Attorney's office had reviewed the matter sufficiently.

Mr. Johnson responded that the Purchasing Department had received a letter from the manufacturer stating that they would no longer be the authorized distributor.

Representatives from the company were not present in the audience to answer Council Members' questions.

.....  
\*Motion made, seconded and unanimously carried to delete an Ordinance amending that Lease Agreement dated November 3, 1981, between the City of El Paso and the YWCA, for the purpose of (i) extending the term of the lease to June 17, 2028; (ii) increasing the amount of investment in improvements made on the property by the Lessee to a minimum of \$800,000 during the term of the lease; (iii) expanding the property leased to the Lessee as set forth in Exhibit "B"; (iv) authorizing Lessee to use the property to develop mixed-income senior housing; (v) increasing the level of fire and casualty, and liability insurance provided by the Lessee to statutory levels; and (vi) correcting certain typographical errors in the original lease, including the spelling of "miscellaneous", and the re-numbering of paragraphs 18 and 19 to reflect the correct sequence.  
.....

ORDINANCE 15493

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO TEMPORARILY REDUCE THE EXISTING SPEED LIMIT OF 45 M.P.H. TO 30 M.P.H. ON LOOP 375 BETWEEN SANTA FE STREET AND COTTON AVENUE IN BOTH DIRECTIONS FOR THE DURATION OF CONSTRUCTION ON BORDER HIGHWAY (LOOP 375) FOR THE STANTON AND SANTA FE BRIDGE REHABILITATION PROJECT. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15494

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO REVISE AN EXISTING SECTION IDENTIFYING THE SPEED LIMIT AS FORTY MILES PER HOUR, ON RESLER DRIVE FROM ROYAL ARMS DRIVE TO TIERRA TAOS DRIVE. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Austin, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, and Rojas

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Cobos was not present for the vote.

ORDINANCE 15495

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS) OF THE EL PASO MUNICIPAL CODE, TO ADD A SECTION IDENTIFYING THE SPEED LIMIT AS FORTY-FIVE MILES PER HOUR, ON RESLER DRIVE FROM HELEN OF TROY DRIVE TO TRANSMOUNTAIN ROAD (LOOP 375). THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, and Rojas

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Cobos was not present for the vote.

ORDINANCE 15496

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO REVISE AND EXISTING LOCATION ON GUY REX DRIVE, FROM MONTWOOD DRIVE TO SAUL KLEINFELD DRIVE AND BOB MITCHELL DRIVE, FROM SAUL KLEINFELD DRIVE TO A POINT 400 FEET WEST THEREOF. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Escobar, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, and Rojas

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Cobos was not present for the vote.

ORDINANCE 15497

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO REVISE AN EXISTING SECTION IDENTIFYING THE SPEED LIMIT AS FORTY FIVE MILES PER HOUR, ON WESTSIDE DRIVE FROM COUNTRY CLUB DRIVE TO FOUR HUNDRED FEET NORTH OF GOMEZ. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Austin, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15498

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.180 (NO STOPPING OR STANDING - TOW - AWAY ZONE), SUBSECTION (A), SUBPARAGRAPHS 57 THROUGH 60, OF THE EL PASO MUNICIPAL CODE, BY ADDING PARKING ON FRANKLIN AVENUE. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15499

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF ARCHAEOLOGY MUSEUM ASSISTANT EDUCATION CURATOR.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

NOTE: The word "Archeology" was revised for correct spelling.

ORDINANCE 15500

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF ARCHAEOLOGY MUSEUM ASSISTANT COLLECTION CURATOR.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None



Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: The word "Archeology" was revised for correct spelling.

.....  
ORDINANCE 15501

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF ARTS AUDIENCE DEVELOPMENT COORDINATOR.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Rojas and Cobos

NAYS: None                                      Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Escobar was not present for the vote.

.....  
ORDINANCE 15502

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING TO CHEVRON PRODUCTS COMPANY, FORMERLY KNOWN AS CHEVRON U.S.A. PRODUCTS COMPANY, PERMISSION AND AUTHORITY TO ASSIGN AND TRANSFER TO WESTERN REFINING COMPANY, L.P., ITS RIGHTS AND OBLIGATIONS UNDER ORDINANCE NO. 011466 AS AMENDED BY ORDINANCE NO. 011699, AUTHORIZING CHEVRON U.S.A. PRODUCTS COMPANY TO ENCROACH ONTO A PORTION OF PUBLIC RIGHT-OF-WAY WITHIN TROWBRIDGE DRIVE AND TEXACO ROAD WITH THE MAINTENANCE AND USE OF TWENTY MULTI-PRODUCT PIPELINES AND TWO DUCT BANKS.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Rojas and Cobos

NAYS: None                                      Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Escobar was not present for the vote.

ORDINANCE 15503

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 21, O.A. DANIELSON SURVEY NO. 310, EL PASO, EL PASO COUNTY, TEXAS (GEORGE DIETER AND PHYSICIANS DRIVE) FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT-OFFICE) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Escobar explained that after several meetings, the parties involved had come to an amicable agreement.

There being no further public comment, the vote was taken.

Motion duly made by Representative Escobar, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Rojas abstained from the vote.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week a Resolution that the Mayor be authorized to sign an Amendment to the Contract between the CITY OF EL PASO and J. MAX QUENON BUILDER, INC., First Party, and JACK QUYNES, Second Party, amending the Contract imposed by Ordinance No. 5703 and dated March 12, 1976; to release the condition only on the property described as *Tracts 17B3B1, 17B2B4A, 17C1 and 17C2B, Block 12, YSLETA GRANT, El Paso, El Paso County, Texas (8531-B Van Haselen Court.)* SC-03003. Applicant: Dora Coronel / Representative: Monty Roberson, 9440 Viscount, Ste. 103, El Paso, TX 79925

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance changing the zoning of *Tracts 17B2B1, 17B2B4A, 17C1 & 17C2B, Block 12, YSLETA GRANT, El Paso, El Paso County, Texas (8531-B Van Haselen Court)* from R-2/sc (Residential/special contract) to R-3A (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. ZC-03030. Applicant: Dora Coronel / Representative: Monty Roberson, 9440 Viscount, Ste. 103, El Paso, TX 79925

ORDINANCE 15504

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: TRACTS 17C70, 17C129, 17C138, 17C137, 17C151, 17C14 & 17C133, SECTION 8, BLOCK 79, TOWNSHIP 3, T & PRRC SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (EAST OF ST. VITAS PLACE AND WEST OF LOOP 375) FROM R-3 (RESIDENTIAL) TO PR-1 (PLANNED RESIDENTIAL) AND PARCEL 2: TRACTS 17C80, 17C154, 17C153, 17C152, 17C82, 17C14, 17C84, 17C136, 17C148 & 17C46, SECTION 8, BLOCK 79, TOWNSHIP 3, T & PRRC SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (EAST OF ST. VITAS PLACE AND WEST OF LOOP 375) FROM R-3 (RESIDENTIAL) TO A-2 (APARTMENT.) THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, stated there was no opposition to the zoning change request.

There being no further public comment, the vote was taken.

Motion duly made by Representative Escobar, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15505

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 13 AND THE NORTH 10 FEET OF LOT 14, BLOCK 74, CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS (804 SOUTH OREGON) FROM SRR (SPECIAL RESIDENTIAL REVITALIZATION) TO S-D (SPECIAL DEVELOPMENT.) THE PENALTY IS AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, explained that the applicant had originally requested C-4 zoning; however, the City Plan Commission agreed to the S-D (Special Development) zoning. He noted that the zoning change request was to allow for parking of taxis and added the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had approved the S-D zoning change request.

Ms. Risher Gilbert, attorney, stated she was available to answer any Council Members' questions.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to postpone three (3) weeks an Ordinance changing the zoning of all of Tracts 1F, 3B, 3B1A and 3C, and portions of Tracts 1J, 1J1 and 1K, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas (Artcraft Road and Westside Drive) from R-F (Ranch-Farm) to R-3A (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Rancho Real V, Ltd. / Representative: Conde, Inc.; 1790 Lee Treviño Drive Suite 400, El Paso, TX 79936. ZC-03017 **THIS IS AN APPEAL CASE**

Ms. Richarda Momsen, City Clerk, explained that the item would be discussed concurrent with items placed on the agenda by Mr. G. A. "Jorge" Molinar.

Representative Austin explained that developers had met with her, the Canutillo Independent School District and individuals in opposition to the zoning; therefore, she moved to approve the zoning change request to R2A. She noted that the applicant was in agreement to the R2A zoning change. Representative Cushing seconded.

Ms. Beth Keats, citizen, requested that the matter be sent back to the City Plan Commission and that the property should be left at R-1 zoning. She questioned why the desert was being dug up to build homes that would overcrowd the currently overcrowded schools in the Upper Valley area.

Ms. Lori Sorrels, citizen, explained that she had not received notification from the City regarding the proposed zoning change. She commented on the beauty of the Upper Valley and asked that the Mayor do the right thing for future generations.

Mr. Jed Leachman, citizen, stated he was opposed to the zoning change and requested that Council Members consider the land use and impact on future generations.

Mr. G. A. "Jorge" Molinar, citizen, requested that a Master Plan be studied and developed for the specific area and commented that 2025 Plan was a matter of interpretation, specifically manufacturing zoning. He stated that R1, two homes per acre, would be the logical zoning for that property and noted the number of homes for R2 and R3 zoning.

Representative Cobos commented on the beauty of the Upper Valley and requested Council Members proceed with great caution. He requested that the matter be postponed four weeks, go back to the drawing board, and analyze what use of the land should be. He suggested scheduling a Legislative Review Committee of the Whole to discuss the land use of the area.

Mayor Joe Wardy questioned changing the zoning from R3A, as listed on the agenda, to R2A as proposed by Representative Austin.

Mr. Rudy Valdez, Chief Urban Planner, explained that the original application proposed R3A zoning; however, the applicant was receptive to R2A zoning and noted that R3A zoning would allow for 352 units and R2A would allow for approximately 236 units. He noted that the property was 62 acres and that DCC (Development Coordinating Committee) unanimously approved; however, CPC (City Plan Commission) recommended denial of the R3A by a vote of 4-2 and added the CPC did not address R2A zoning when the case was heard.

Representative Cook commented on the Artcraft extension and how the extension had impacted the area. He added that the requested Master Plan study would be appropriate and agreed with R2A zoning as proposed by Representative Austin.

Mr. Marcelo Rivera, appearing on behalf of Mickey Esper, attorney for Mr. Tom Russell, resident of the Upper Valley, noted that Mr. Russell was opposed to the R3A zoning and read into the record a letter written by Mr. Russell. He stated that he would provide copies of a study by the American Farmland Trust, as noted in the letter by Mr. Russell, to Council Members.

Representative Cushing stated he was concerned with the previously approved R3A zoning and questioned whether there was opposition with that zoning.

Mr. Valdez explained that there was not any opposition to that R3A zoning; however, there was tremendous opposition to this particular zoning change request. He explained that State law required that notification be sent to residents within a 200-foot radius; however, the City sends notices to residents within 300 feet of the proposed zoning change. He noted that the Planning, Research and Development Department placed their agendas on the City's website for public information, notification. He explained that he was not aware of any written agreement providing that the land remain R1 zoning.

Mr. Matt Watson, Assistant City Attorney, explained that notice at the City Plan Commission, per City Council Agenda item three, was effective, and the Planning, Research and Development Department did send notice and added that former City Council administrations could not bind future Councils regarding zoning matters.

Representative Cobos modified his previous Motion as follows: postpone the matter four (4) weeks, send the matter back to the City Plan Commission and to call a Legislative Review Committee Meeting of the Whole to discuss the Upper Valley rezoning issue.

Representative Austin did not agree that the matter should be sent back to the City Plan Commission.

Representative Cook noted that zoning appeal cases were decided by the higher authority, being the City Council.

Mr. Watson explained that it was Council's prerogative to send the matter back to City Plan Commission; however, was not necessary pursuant to law.

Representative Austin clarified that in the event the City Plan Commission denied a zoning application, Council Members decided the matter de novo.

Mr. Roland Correa, RC Properties representative - representing the applicant and Chairman of the Building Zoning Advisory Committee (BZAC), explained that the dynamics of the area had changed due to the Artcraft extension and added that the BZAC was working to add housing to the El Paso area. He added that BZAC would be reviewing zoning cases such as the matter before Council and stated that the R2A zoning was appropriate for the property.

Representative Power stated that when the land was gone, the developers would be gone. He commented that the Upper Valley beauty was unique and added that it would behoove Council Members to consider pursuing the Master Plan study.

Ms. Patricia Adaauto, Deputy CAO for Building and Planning Services, explained that the Upper Valley area was annexed in 1987 and zoned R-3; however, immediately following the annexation plan, this specific parcel was rezoned Ranch-Farm (R-F). She commented on the Master Plan and stated that the City utilized the 2025 Plan, which designates generally the type of land use to be given a property, and this area is designated for low residential housing; and the Plan for El Paso, anything seven units to the acres or less is considered low density, residential. She commented that a land study was a general concept of development and added that a Master Plan was conceptual use and conceptual density, already in existence. She stated that Council would request staff investigate a Zoning Plan for the site, rather than a Master Plan. She noted that the BZAC was restructuring the Zoning Ordinance, of which 37 different zoning types exist, and have reduced that number to 13 zoning districts.

Representative Power questioned whether Council Members could change their minds regarding the use of the property.

Mr. Watson explained that Council should look at the comprehensive plan as a factor in making their decision and asked that Council not make a decision contrary to that plan.

Representative Cobos asked that the matter be discussed at a Legislative Review Committee Meeting of the Whole and postpone the matter three (3) weeks.

Ms. Adaauto cautioned Council Members against postponing the matter and referring it to a Special Council meeting, as the public hearing on a zoning case must be held at a regularly set Council meeting.

Representative Cobos moved to postpone three weeks and schedule a Legislative Review Committee Meeting of the Whole to discuss the Upper Valley, in general. Representative Power seconded.

Ms. Keats requested that the public be notified so that the public could be present.

.....  
ORDINANCE 15506

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 17C149 AND TRACT 17C109, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (JOE BATTLE BOULEVARD NORTH OF VISTA DEL SOL DRIVE) FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, noted that there was no opposition to the zoning change request.

There being no further public comment, the vote was taken.

Motion duly made by Representative Escobar, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Austin was not present for the vote.

.....  
ORDINANCE 15507

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF BLOCK 2, EASTWOOD SECTION ONE, EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL) AND PARCEL 2: A PORTION OF BLOCK 2, EASTWOOD SECTION ONE, EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Mr. Rudy Valdez, Chief Urban Planner, explained that there was no opposition to the zoning change request and noted that the site was located at the intersection of McRae and Gateway Blvd. West, CPC (City Plan Commission) and DCC (Development Coordinating Committee) recommended approval for C-3 zoning for proposed auto sales and brake repair service.

Motion duly made by Representative Rojas, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Austin was not present for the vote.

.....  
**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-03013, FOR TRACT 509 AND THE EASTERLY 95 FEET OF TRACT 510, SUNRISE ACRES, EL PASO, EL PASO COUNTY, TEXAS (4220 HONDO PASS AVENUE), PURSUANT TO A CONTRACT CONDITION IMPOSED BY ORDINANCE NO. 8843. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

Representative Austin was not present for the vote.

.....  
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to postpone four (4) weeks a public hearing to determine if the property located at 10428 Lambda Dr., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, C. F. Sanford AKA Clifton P. Sanford, and AKA C. P. Sanford and Hideko K. Sanford, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Representative Austin was not present for the vote.

Mr. Thomas Maguire, Building Permits and Inspections, explained that the item had been previously postponed to allow the owner time to resolve problems and requested that the matter be postponed further for same reason.

.....  
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone until the next practical Regular City Council meeting after December 31, 2003, determined to be January 6, 2004, a Public hearing to determine if the Council Resolution of April 22<sup>nd</sup>, 2003, for the property located at 2400 E. Yandell Drive, in the City of El Paso (legal description on file with the City Clerk) has been complied with and if not to determine penalties and to require that Catholic Properties is to provide City Council with a timeline of improvements to be made to the building. The owner of record as of November 26<sup>th</sup>, 2002, Harold W. Crumley, has been notified of the violations at this property. There are no taxes owed.

Mr. Thomas Maguire, Building Permits and Inspections, noted that the matter had been previously postponed; however, it was noted today that significant developments regarding the property's condition and ownership had been made.

Mr. Frank Ainsa, attorney, representing Catholic Properties, stated that the Catholic Properties had acquired the property and requested that Council extend the compliance dates. He then read the proposed compliance dates into the record.

Mr. Maguire requested Catholic Properties provide the Building Permits and Inspections Department a copy of the proposed compliance dates, as read into the record.

Representative Cook questioned whether Council Members could approve the Department's recommendation pending receipt of the written document.

Ms. Teresa Garcia, Assistant City Attorney, responded yes and added that Mr. Ainsa had assured her that the City would receive the title this afternoon or tomorrow.

Mr. Maguire requested that the motion to postpone be as follows: "indicating that it be the first practical date after the December 31, 2003, City Council Meeting, specifically the first scheduled City Council meeting", stipulating that the proposals be made in writing.

Representative Cobos moved to postpone the matter until the first practical City Council meeting after December 31, 2003; and require the applicant to provide written documentation of a time period when the applicant would achieve his goals. Representative Cook seconded.

Representative Austin moved to reconsider the matter. Representative Cobos seconded.

Representative Cook stated that the applicant had left the Council meeting and it would be inappropriate to reconsider due to that fact.

Representative Austin withdrew her motion to reconsider the matter.

.....  
Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone twelve (12) weeks a public hearing to determine if the Council Resolution of April 29<sup>th</sup>, 2003, for the property located at 4473 Eleanor Street, in the City of El Paso (legal description on file with the City Clerk) has been complied with and if not to determine penalties. The owner of record as of January 10<sup>th</sup>, 2003, Fernando Lopez, 10360 Jimenez Lane, El Paso, Texas 79927, has been notified of the violations at this property. As of January 25<sup>th</sup>, 2003, \$1,083.72 are owed in taxes.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations.

Ms. Veronica Lopez, appearing on behalf of her father, requested Council Members grant a continuance, 60 days, and noted that the structure had received a new roof, fenced the property, sealed the windows and that the family was waiting to pass electrical inspection.

Ms. Teresa Garcia, Assistant City Attorney, explained that the Order placed on the property in April was specific and that there was no leeway on the situation, by law, to allow the individuals additional time to comply. She would offer her advice on State statutes in Executive Session.

Mr. Maguire explained that electrical or plumbing permits had been pulled and that the Department had not received the engineer's report.

Representative Cook stated that by postponing the matter, the family would be given additional time to comply.

.....  
Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to postpone six (6) weeks a public hearing to determine if the Council Resolution of May 6<sup>th</sup>, 2003, for the property located at 3801 Pierce Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and if not to determine penalties. The owner of record as of February 21<sup>st</sup>, 2003, Jose Gutierrez, 5608 Melody Lane, El Paso, Texas 79932, has been notified of the violations at this property.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations.

Mr. Paul Ingle, representing Jose Gutierrez, property owner, explained that the property owner was now able to make the necessary repairs and bring the structure up to City Code.

Representative Power commented on the engineer's report and questioned whether the report had been submitted with the plans to rehabilitate the property.



Mr. Maguire responded that any structure could be repaired and added that he had accepted the engineer's report; however, the structure was ordered to be demolished or repaired in 90 days. He stated that the engineer's report must be submitted along with plans to renovate the structure prior to granting the 90 days.

.....  
\*Motion made, seconded and unanimously carried to delete a public hearing to determine if the Council Resolution of May 27<sup>th</sup>, 2003, for the property located at 5012 Meade Court, in the City of El Paso (legal description on file with the City Clerk) has been complied with and if not to determine penalties. The owner of record as of April 2<sup>n</sup>, 2003, The Estate of Margaret Gilcrease, deceased, 5012 Meade Court, El Paso, Texas 79904, has been notified of the violations at this property. Delinquent taxes in the amount of \$3,127.53.  
.....

### ORDER

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted a Public Hearing on May 27<sup>th</sup>, 2003, regarding the property located at 10313 Newport Street, more particularly described as:

Lot: 4, Block 18, Sun Valley

and found that the Buildings located on said property are substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Buildings are not in substantial compliance with the Municipal Ordinances, and that the Buildings can not be repaired; and

WHEREAS, having found that the Buildings are not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to demolish the Buildings and remove all weeds, trash, debris and junk vehicle, within 30 days of adoption of the Resolution dated May 27<sup>th</sup>, 2003, that is on or before June 28<sup>th</sup>, 2003.

WHEREAS, the City Council ORDERED the Owners of said property to appear before City Council on August 5<sup>th</sup>, 2003, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, the contractor, Omar Torres, appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
  - a. That the Owners of said property, Ezekiel Galvan, 2160 Earl Ave., Long Beach, CA 90806, Jesus Manuel Galvan, 2156 Earl Ave., Apt. D, Long Beach, CA 90806, Juan Antonio Galvan, 2299 Gaviota St., Apt. C, Signal Hill, CA 90806, Elizabeth Galvan Rosas, 8264 Telegraph Rd., Apt. L, Downey, CA 90240, Elena Victoria Galvan Goldsmith, 2160 Earl Ave., Long Beach, CA 90806, Luis Joel Galvan, 2160 Earl Ave., Long Beach, CA 90806, Josue Eduardo Galvan, 10313 Newport Street, El Paso, Texas 79924, Ana Ruth Galvan Uribe, 8264 Telegraph Rd., Apt. L, Downey, CA 90240, Irma Eunice Galvan, 8264 Telegraph Rd., Apt. L, Downey, CA 90240, were notified of the requirements of Section 18.52.040 and of their need to comply with these requirements as they relate to their property; and
  - b. That after notification, the Owners committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owners failed to demolish the main Building and accessory structure, and clean the premises of all weeds, trash, and debris and remove junk vehicle within 30 days after May 27<sup>th</sup>, 2003 that is, on or before June 28<sup>th</sup>, 2003; and
  - c. That the Owners have failed to comply with the Order each day from June 28<sup>th</sup>, 2003 through August 5<sup>th</sup>, 2003.

- d. That the property which is subject to the Order is not the Owner's homestead; and

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That upon failure of the owners to comply with this order, the City of El Paso through its Interim Director for Building Permits and Inspections shall demolish the main and accessory structures and clean the premises of all weeds, trash, and debris and remove the junk vehicle at their own expense, but for and on account of the owners of said property; and
2. That said owners shall become personally liable for all costs incurred by City in connection with demolishing the structures and cleaning the premises of all weeds, trash, and debris and removing the junk vehicle; and
3. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations. He noted that improvements on the structure had been made without the authorized permits and recommended that the structure be demolished.

Mr. Omar Torres, contractor hired by property owner, Pesados Construction, spoke in Spanish, Dr. Neal Devereaux, City interpreter, translated that Ezekiel Galvan had hired him to rehabilitate the home and enumerated the manner in which he proposed to do so.

Mr. Maguire noted that in the event the structure was demolished he would not request the penalties.

Representatives Lozano, Austin and Cushing commented on the matter and received responses from Mr. Maguire, accordingly.

Mr. Edward Delgado, Delgado, Acosta, Spencer, Linebarger, Heard & Perez, LLP, remarked that the taxpayers had entered into a tax payment contract in April, a nine-month contract, and noted that the last payment had been in May. He noted that taxpayers were currently in breach of that contract and that the firm was moving to litigate the matter.

There being no further public comment, the vote was taken.

Motion made by Representative Cook, seconded by Representative Escobar and carried to approve the above Order.

AYES: Representatives Austin, Cushing, Cook, Power, Escobar, and Cobos

NAYS: Representatives Lozano and Rojas

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\*Motion made, seconded and unanimously carried to postpone four (4) weeks a public hearing to determine if the property located at 500 W. San Antonio Avenue AKA 504 ½ W. San Antonio Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Hun Seo, 12224 Chisholm Pass Drive, El Paso, Texas 79936, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.  
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## RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structures located on the property at 804-812 E. Third Street, in El Paso, Texas, which property is more particularly described as follows:

Lots: 11 and the North ½ of Lot 12, Block 111, Campbell's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 2, Page 68, Plat Records of El Paso County, Texas

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Maria Castruita, 417 S. Ochoa Street, El Paso, Texas 79901, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on August 5<sup>th</sup>, 2003; and

WHEREAS, Alexandro Martinez, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structures located on said property are found to be unsafe and dangerous, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the Buildings are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. Since the owner has supplied the required drawings, plans, or reports, it is the Department's position that the structures can be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:

- a. That the Buildings be repaired according to the submitted report and plans within (90) days from the date of Council Order of August 5<sup>th</sup>, 2003 that is on or before November 3<sup>rd</sup>, 2003; and
- b. That the Buildings be demolished if not repaired within 90 days; and
- c. That the premises be cleaned of all weeds, trash and debris within (30) days; and
- d. That a public hearing be scheduled for November 4<sup>th</sup>, 2003 in the City Council Chambers, to determine if the Council order has been complied with and, if not, to proceed with the demolition; and
- a. That the Owner of said Buildings is hereby ordered to comply with all requirements of the Resolution; and
- f. The owner is advised that in order to obtain a new certificate of occupancy, the entire buildings and its service systems must be brought into compliance with the current codes.
- g. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property

have an additional ten (10) days to comply with Council Order of August 5<sup>th</sup> , 2003; and

3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolition and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Buildings so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations.

Mr. Alejandro Martinez, property owner, stated that he had all the required documents needed.

Mr. Edward Delgado, Delgado, Acosta, Spencer, Linebarger, Heard & Perez, LLP, remarked that the property owner was paying the owed taxes in a timely manner.

There being no further public comment, the vote was taken.

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

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**ADDITION TO THE AGENDA**

No action was taken on the discussion and action regarding issues affecting natural gas rates.

This item was moved into Executive Session by Mr. Jim Martinez, Chief Administrative Officer.

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Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Investment Builders, Inc. v. City, File No. 03-S-33
- B. Lee Boulevard Right of Way Acquisition - TIP Roadway Construction Project
- C. Discussion and action on John Taylor d/b/a Pepperdyne General Contractor vs. The City of El Paso, Cause no. 2002-4819, Our File No. 02-S-53
- D. Discussion and action on Docket No. 03-1206, United States Court of Appeals for the District of Columbia, Arizona Corporation Commission v. Federal Energy Regulatory Commission.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

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No action was taken on the following item: Investment Builders, Inc. v. City, File No. 03-S-33

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City's agent and City Attorney be authorized to negotiate counteroffers from property owners for right of way acquisition of Lee Boulevard for the following Parcels 11 and 41, as recommended by the City Attorney, and that the Mayor and City Attorney be authorized to sign any related documents.

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Motion made by Representative Cobos, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **John Taylor d/b/a Pepperdyne General Contractor vs. City of El Paso; Cause No. 2002-4819; Our File No. 02-S-53**, as recommended by the City Attorney.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos

NAY: Representative Power

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Attorney be authorized to file or join in an Amicus Brief in Arizona Corporation Commission v. Federal Energy Regulatory Commission, Docket No. 03-1206, United States Court of Appeals for the District of Columbia, as recommended by the City Attorney.  
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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to adjourn this meeting at 1:08 p.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

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Richarda Duffy Momsen, City Clerk

\_\_\_\_\_  
Lisa A. Elizondo, City Attorney